

ENTERED

February 02, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. 5:16-CR-1100-2
	§	
DANIEL EDUARDO GARZA-	§	
MARTINEZ	§	

ORDER

Defendant has been charged with bulk-case smuggling out of the United States in violation of 31 U.S.C. § 5332. (Dkt. No. 26). Defendant filed a Motion to Suppress (Dkt. No. 43) arguing that his *Miranda* waiver was invalid because it was involuntarily and unknowingly made and that his eventual confession was coerced.

United States Magistrate Judge Diana Song Quiroga conducted an evidentiary hearing on October 31, 2016, which was completed on November 14, 2016. After consideration, the Magistrate Judge made findings, conclusions, and a recommendation in this case. (Dkt. No 65). The Magistrate Judge concluded that both Defendant's *Miranda* waiver and subsequent confession were knowingly and voluntarily made. (*Id.*).

When a party objects to a magistrate's report, the district court is required to conduct a *de novo* review of those portions of the report to which a party has specifically objected. See 28 U.S.C. § 636(b)(1)(C). As to the other portions of the report, the district court determines whether they are clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Here, Defendant filed objections to the Report and Recommendation. (Dkt.

No. 66). The Court, therefore, reviews the objected portions of the Report and Recommendation *de novo*. After reviewing the entire record—including the Motion to Suppress, the suppression hearing, the Report and Recommendation, the objections, and all of the relevant authorities—in accordance with 28 U.S.C. § 636(b)(1), the Court agrees with the Magistrate Judge's findings and recommendation.

Accordingly, Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation without change (Dkt. No. 65). Defendant's Motions to Suppress (Dkt. No. 43) and the objections to the Report and Recommendation (Dkt. No. 66) are **DENIED**.

It is so **ORDERED**.

SIGNED February 2, 2017.



Marina Garcia Marmolejo
United States District Judge